



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,574	05/01/2001	Christopher Scott Fuselier	41EB-9023	6754

6152 7590 03/08/2007
PATENT OPERATION
GENERAL ELECTRIC COMPANY
41 WOODFORD AVENUE
PLAINVILLE, CT 06062

EXAMINER

LU, KUEN S

ART UNIT	PAPER NUMBER
----------	--------------

2167

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/681,574

Applicant(s)

FUSELIER ET AL.

Examiner

Kuen S. Lu

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,36-49,95-100 and 130-135 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,36-49,95-100 and 130-135 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 7-35,58-94,100-129 and 136-160 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Action is responsive to a telephone conversation conducted on February 26, 2007, in which Applicant elected invention I without traverse: claims 1-6, 36-49, 95-100 and 130-135, drawn to generating database or data structure, classified in class 707, subclass 102, without traverse, for further examination.
2. Please note claims 1-6, 36-49, 95-100 and 130-135 are pending.

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figs. 4A-9 filed 5/1/2001 contain un-cleaned marks, sketch lines or dots, and unreadable labels in shaded areas. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
4. Please note Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 5.1. As set forth in MPEP 2106 (II) (A):

Art Unit: 2167

The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992 F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful.

Apart from the utility requirement of 35 U.S.C. 101, usefulness under the patent eligibility standard requires significant functionality to be present to satisfy the useful result aspect of the practical application requirement. See Arrhythmia, 958 F.2d at 1057, 22 USPQ2d at 1036. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make the invention eligible for patenting. For example, a claim directed to a word processing file stored on a disk may satisfy the utility requirement of 35 U.S.C. 101 since the information stored may have some "real world" value. However, the mere fact that the claim may satisfy the utility requirement of 35 U.S.C. 101 does not mean that a useful result is achieved under the practical application requirement. The claimed invention as a whole must produce a "useful, concrete and tangible" result to have a practical application.

5.2. As set forth in MPEP 2106 (IV) (B) (1):

Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature which constitute "descriptive material." Abstract ideas, Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*. Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare In re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and Warmerdam, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory).

5.3. As set forth in MPEP 2106 (IV)(B)(1)(a):

Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized,

Art Unit: 2167

and is thus statutory. Accordingly, it is important to distinguish claims that define descriptive material *per se* from claims that define statutory inventions.

Products may be either machines, manufactures, or compositions of matter. *A machine is "a concrete thing, consisting of parts or of certain devices and combinations of devices."* *Burr v. Duryee*, 68 U.S. (1 Wall.) 531, 570 (1863). If a claim defines a useful machine or manufacture by identifying the physical structure of the machine or manufacture in terms of its hardware or hardware and software combination, it defines a statutory product. See, e.g., *Lowry*, 32 F.3d at 1583, 32 USPQ2d at 1034-35; *Warmerdarn*, 33 F.3d at 1361-62, 31 USPQ2d at 1760.

Office personnel must treat each claim as a whole. The mere fact that a hardware element is recited in a claim does not necessarily limit the claim to a specific machine or manufacture. Cf. *In re Iwahashi*, 888 F.2d 1370, 1374-75, 12 USPQ2d 1908, 191 1-12 (Fed. Cir. 1989), cited with approval in *Alappat*, 33 F.3d at 1544 n.24, 31 USPQ2d at 1558 n.24.

5.4. Claims 130-135 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 130 is directed to a data signal propagated over a propagation medium. The data signal propagated over a propagation medium is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Such a result would exalt form over substance. In *re Sarkar*, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978) ("[E]ach invention must be evaluated as claimed; yet semantogenic considerations preclude a determination based solely on words appearing in the claims. In the final analysis under § 101, the claimed invention, as a whole, must be evaluated for what it is.") (quoted with approval in *Abele*, 684 F.2d

at 907, 214 USPQ at 687). See also *In re Johnson*, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) ("form of the claim is often an exercise in drafting"). Thus, nonstatutory music is not a computer component and it does not become statutory by merely recording it on a compact disk. Protection for this type of work is provided under the copyright law.

As per claims 131-135, the claims directly or indirectly inherit the deficiency of being non-statutory from claim 130, and do not remedy the deficiency individually or by inheritance. The consequence is non-statutory.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.1. Claims 1-6, 36-49, 95-100 and 130-135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salam et al. U.S. Patent 6,594,654, hereafter "Salam") in view of Szabo (U.S. Patent 7,181,438).

As per claim 1, Salam teaches "A method for providing context sensitive information" (See Fig. 5B and col. 21, lines 28-35 where context sensitive summary constructed and stored) comprising:

"identifying a user" (See Fig. 13 and col. 29, lines 55-61 where user is identified by member name and password for logging a server);

"defining a query" (See Fig. 2 and col. 13, lines 52-61 where user inputs for search request);

"transmitting said query and said user identity to a server" (See Fig. 3 and col. 17, lines 41-50 where user search request is received by a new search or an improvement of an existing search);

"periodically querying at least one database" (See col. 6, lines 40-44 where the knowledge engine periodically re-evaluate the sources to determine whether they contain additional information relevant to the user's initial search); and

"retrieving said query information from said at least one database" (See Fig. 6 and col. 22, lines 59-61 where search result from a database is retrieved).

Salam does not explicitly teach "retrieving user information from said at least one database", although Salam teaches periodically updating query based on user's initial query at col. 6, lines 40-44.

However, Szabo teaches user modeling where individual end user's characteristics stored upon a user profile database is compared with content for providing user in a best fit pricing manner at col. 15, lines 57-61.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine the teaching of Szabo with Salam reference

by explicitly implementing user profile database on Salam system because both references are directed to database search and identifying a smaller set of data to deliver to user where Szabo utilizes user modeling to customize result and Salam stores predetermined subset of searched data set to communicate to the user, and the combined teaching would have allowed Salam's system to select more accurate, more relevant and better updated subset of data to the user because of availability of better user characteristic data via user profile and user modeling.

The combined teaching of the Szabo and Salam references further teaches the following:

"creating a context sensitive subset of said query information depending on said user information" (See Salam: col. 15, lines 25-30 where a selected set of search results is retrieved and a context sensitive summary of the results is transferred to the user, and Szabo: Abstract: retrieved results are scored in according to user criteria for providing to the user); and, "transmitting said context sensitive subset query information to said user" (See Salam: col. 15, lines 25-30 where a selected set of search results is retrieved and a context sensitive summary of the results is transferred to the user).

As per claim 36, Salam teaches "A system for providing context sensitive information to a user" (See Fig. 5B and col. 21, lines 28-35 where context sensitive summary constructed and stored), comprising:

"a server" (See Fig. 2 and col. 8, line 55 – col. 9, line 6 where a knowledge engine database storing information for searching is connected to a server);

"at least one database connected to said server" (See Fig. 2 and col. 8, line 55 – col. 9, line 6 where a knowledge engine database storing information for searching is connected to a server);

"a query means for executing a predefined query on said database, said query creating a set of data" (See); and

"a means for a user to request said data from said server" (See Figs. 13, 2 and col. 29, lines 55-61 where user is identified by member name and password for logging a server, and user inputs for search request);

Concerning the limitation of "an application program on said server, said application program determining the identity of said user and creating a context sensitive subset of said data based on said users identity", Salam teaches "an application program on said server, said application program determining the identity of said user" (See Fig. 13 and col. 29, lines 55-61 where user is identified by member name and password for logging a server) and "creating a context sensitive subset of said data" (See col. 15, lines 25-30 where a selected set of search results is retrieved and a context sensitive summary of the results is transferred to the user).

However, Salam does not explicitly teach that the context sensitive subset of said data is created based on users identity as determined by the application program.

However, Szabo teaches user modeling where individual end user's characteristics stored upon a user profile database is compared with content for providing user in a best fit pricing manner at col. 15, lines 57-61.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine the teaching of Szabo with Salam reference by

explicitly implementing user profile database on Salam system because both references are directed to database search and identifying a smaller set of data to deliver to user where Szabo utilizes user modeling to customize result and Salam stores predetermined subset of searched data set to communicate to the user, and the combined teaching would have allowed Salam's system to select more accurate, more relevant and better updated subset of data to the user because of availability of better user characteristic data via user profile and user modeling.

The combined teaching of the Szabo and Salam references further teaches the following: "a means for transmitting said context sensitive subset of said data to said user" (See Salam: col. 15, lines 25-30 where a selected set of search results is retrieved and a context sensitive summary of the results is transferred to the user).

As per claim 95, Salam teaches "A storage medium encoded with machine readable program code for providing context sensitive information to a user, said program code including instructions for causing a computer to implement a method" (See Fig. 5B, col. 11, lines 33-40 and col. 21, lines 28-35 where program modules may be physically located at local or remote memory storage device and execution of programs to have context sensitive summary constructed and stored) comprising:

"identifying a user" (See Fig. 13 and col. 29, lines 55-61 where user is identified by member name and password for logging a server);

"defining a query" (See Fig. 2 and col. 13, lines 52-61 where user inputs for search request);

"transmitting said query and said user identity to a server" (See Fig. 3 and col. 17, lines 41-50

Art Unit: 2167

where user search request is received by a new search or an improvement of an existing search);

“periodically querying at least one database” (See col. 6, lines 40-44 where the knowledge engine periodically re-evaluate the sources to determine whether they contain additional information relevant to the user’s initial search); and

“retrieving said query information from said at least one database” (See Fig. 6 and col. 22, lines 59-61 where search result from a database is retrieved).

Salam does not explicitly teach “retrieving user information from said at least one database”, although Salam teaches periodically updating query based on user’s initial query at col. 6, lines 40-44.

However, Szabo teaches user modeling where individual end user’s characteristics stored upon a user profile database is compared with content for providing user in a best fit pricing manner at col. 15, lines 57-61.

It would have been obvious to one having ordinary skill in the art at the time of the applicant’s invention was made to combine the teaching of Szabo with Salam reference by explicitly implementing user profile database on Salam system because both references are directed to database search and identifying a smaller set of data to deliver to user where Szabo utilizes user modeling to customize result and Salam stores predetermined subset of searched data set to communicate to the user, and the combined teaching would have allowed Salam’s system to select more accurate, more relevant and better updated subset of data to the user because of availability of better user characteristic data via user profile and user modeling.

The combined teaching of the Szabo and Salam references further teaches the following: "creating a subset of said query information depending on said user information" (See Salam: col. 15, lines 25-30 where a selected set of search results is retrieved and a context sensitive summary of the results is transferred to the user, and Szabo: Abstract: retrieved results are scored in according to user criteria for providing to the user); and, "formatting said subset query information" (See col. 22, line 67 – col. 23, line 2 where format of the delivery information is established once an appropriate delivery method is determined); "transmitting said formatted information to said user " (See Salam: col. 15, lines 25-30 where a selected set of search results is retrieved and a context sensitive summary of the results is transferred to the user).

As per claim 130, Salam teaches "A data signal propagated over a propagation medium, said data signal being context sensitive to a particular user, said context sensitive data having been encoded by a method" (See Fig. 5B, col. 11, lines 33-40 and col. 21, lines 28-35 where program modules may be physically located at local or remote memory storage device and execution of programs to have context sensitive summary constructed and stored) comprising:

"identifying a user" (See Fig. 13 and col. 29, lines 55-61 where user is identified by member name and password for logging a server);
"defining a query" (See Fig. 2 and col. 13, lines 52-61 where user inputs for search request);
"transmitting said query and said user identity to a server" (See Fig. 3 and col. 17, lines 41-50 where user search request is received by a new search or an improvement of an existing

search);

“periodically querying at least one database” (See col. 6, lines 40-44 where the knowledge engine periodically re-evaluate the sources to determine whether they contain additional information relevant to the user’s initial search); and

“retrieving said query information from said at least one database” (See Fig. 6 and col. 22, lines 59-61 where search result from a database is retrieved).

Salam does not explicitly teach “retrieving user information from said at least one database”, although Salam teaches periodically updating query based on user’s initial query at col. 6, lines 40-44.

However, Szabo teaches user modeling where individual end user’s characteristics stored upon a user profile database is compared with content for providing user in a best fit pricing manner at col. 15, lines 57-61.

It would have been obvious to one having ordinary skill in the art at the time of the applicant’s invention was made to combine the teaching of Szabo with Salam reference by explicitly implementing user profile database on Salam system because both references are directed to database search and identifying a smaller set of data to deliver to user where Szabo utilizes user modeling to customize result and Salam stores predetermined subset of searched data set to communicate to the user, and the combined teaching would have allowed Salam’s system to select more accurate, more relevant and better updated subset of data to the user because of availability of better user characteristic data via user profile and user modeling.

The combined teaching of the Szabo and Salam references further teaches the following:

"creating a context sensitive subset of said query information depending on said user information" (See Salam: col. 15, lines 25-30 where a selected set of search results is retrieved and a context sensitive summary of the results is transferred to the user, and Szabo: Abstract: retrieved results are scored in according to user criteria for providing to the user); and, "transmitting said context sensitive subset information to said user" (See Salam: col. 15, lines 25-30 where a selected set of search results is retrieved and a context sensitive summary of the results is transferred to the user).

As per claims 2, 96 and 131, the combined teaching of the Szabo and Salam references further teaches the following:

"determining the location of the user" (See Szabo: col. 10, lines 30-41 and col. 16 lines 7-36 where user demographic information is included in user profile data for data retrieval); "and, creating a context sensitive subset of said query information depending on the location of the user" (See col. 15, lines 25-30 where a selected set of search results is retrieved and a context sensitive summary of the results is transferred to the user, and Szabo: Abstract: retrieved results are scored in according to user criteria for providing to the user).

As per claims 3, 97 and 132, the combined teaching of the Szabo and Salam references further teaches "query definition includes data on the desired format of the information" (See Salam: col. 9, lines 21-35 where query in a standard HTML request format, as an example, for retrieval data).

As per claims 4, 98 and 133, the combined teaching of the Szabo and Salam references further teaches "said query definition includes data on the desired format of the information" (See Salam: col. 9, lines 21-35 where query in a standard HTML request format and entries to search box, as an example, for retrieval data).

As per claims 5, 99 and 134, the combined teaching of the Szabo and Salam references further teaches "said query definition includes information on the period of time between said queries" (See Szabo: col. 71, lines 55-64 where search is conducted periodically, for example, weekly or monthly).

As per claims 6, 100 and 135, the combined teaching of the Szabo and Salam references further teaches the following:

"defining an alarm criteria for said query information" (See Salam: col. 5, line 22 and col. 21, lines 60-65 where searches are alerted with new and changed items and user search criteria is reapplied to rule out results that do not match the full context or precision that the user requested);

"periodically querying said at least one database" (See Szabo: col. 71, lines 55-64 where search is conducted periodically, for example, weekly or monthly);

"comparing said query information to said alarm criteria" (See Salam: col. 5, line 22 and col. 21, lines 60-65 where searches are alerted with new and changed items and user search criteria is reapplied to rule out results that do not match the full context or precision that the user requested); and,

notifying said user if said alarm criteria is met” (See Salam: col. 5, line 22 and col. 21, lines 60-65 where searches are alerted with new and changed items and user search criteria is reapplied to rule out results that do not match the full context or precision that the user requested).

As per claim 37, the combined teaching of the Szabo and Salam references further teaches “The system of claim 36 wherein said application program creates said context sensitive data subset from a set of rules predefined by said user” (See Salam: col. 15, lines 25-30 where a selected set of search results is retrieved and a context sensitive summary of the results is transferred to the user, and Szabo: Abstract: retrieved results are scored in according to user criteria for providing to the user).

As per claim 38, the combined teaching of the Szabo and Salam references further teaches “The system of claim 36 further comprising at least one node accessible by said user and remote from said server” (See Salam: Fig. 1 where network system provides user to access knowledge engine server, e-mail system, source systems and payment system at remote).

As per claim 39, the combined teaching of the Szabo and Salam references further teaches “The system of claim 38 wherein said node is a computer” (See Salam: Fig. 1 where network system provides user to access knowledge engine server, e-mail system, source systems and payment system at remote, and the user, systems and server are all computer

nodes).

As per claim 40, the combined teaching of the Szabo and Salam references further teaches "The system of claim 38 wherein said node is a personal digital assistant" (See Salam: col. 6, lines 49-52 where user connects to the systems via a PDA).

As per claim 41, the combined teaching of the Szabo and Salam references further teaches "The system of claim 38 wherein said node is a portable communications device" (See Salam: col. 6, lines 49-52 where user connects to the systems via a PDA that is a portable communications device).

As per claim 42, the combined teaching of the Szabo and Salam references further teaches "The system of claim 38 wherein said transmission means is a computer network" (See Salam: Fig. 1 where network system provides user to access knowledge engine server, e-mail system, source systems and payment system at remote).

As per claim 43, the combined teaching of the Szabo and Salam references further teaches "The system of claim 38 wherein said transmission means is a cellular network" (See Salam: col. 22, lines 59-67 where cellular phone is utilized for data delivery).

As per claim 44, the combined teaching of the Szabo and Salam references further teaches "The system of claim 38 wherein said transmission means is via a radio system" (See

Salam: col. 22, lines 59-67 where voice response delivery is a radio system).

As per claim 45, the combined teaching of the Szabo and Salam references further teaches the following:

"a network, said server located on said network" (See Salam: Fig. 1 where network system provides user to access knowledge engine server, e-mail system, source systems and payment system at remote, and the user, systems and server are all computer nodes); and "a plurality of databases on said network, said query means accessing said plurality of databases to retrieve said data" (See Salam: Fig. 2 where elements 210s are databases on network and query inputs are connected to the databases).

As per claim 46, the combined teaching of the Szabo and Salam references further teaches "The system of claim 45 wherein said application program queries at least one database to determine the identified user's predefined preferences, said application program creating said context sensitive subset of said data in response to said preferences" (See Salam: col. 15, lines 25-30 where a selected set of search results is retrieved and a context sensitive summary of the results is transferred to the user, and Szabo: Abstract: retrieved results are scored in according to user criteria for providing to the user).

As per claim 47, the combined teaching of the Szabo and Salam references further teaches "The system of claim 46 wherein said application program queries at least one database to determine the identified user's schedule said application program creating said

context sensitive subset of said data in response to said user's schedule" (See Szabo: col. 71, lines 55-64 where search is conducted periodically per user's selection, for example, weekly or monthly).

As per claim 48, the combined teaching of the Szabo and Salam references further teaches "The system of claim 47 wherein said application program queries at least one database to determine the identified user's personnel information, said application program creating said context sensitive subset of said data in response to said user's personnel information" (See Salam: col. 15, lines 25-30 where a selected set of search results is retrieved and a context sensitive summary of the results is transferred to the user, and Szabo: Abstract: retrieved results are scored in according to user criteria for providing to the user).

As per claim 49, the combined teaching of the Szabo and Salam references further teaches "The system of claim 48 wherein said personnel information includes the identified user's job assignment" (See Szabo: col. 10, lines 30-41 and col. 16 lines 7-36 where user demographic information is included in user profile data for data retrieval and profile data suggests including user job related information, such as assignment and income).

Conclusion

7.1. The prior art made of record

- A. U.S. Patent No. 6,594,654
- B. U.S. Patent No. 7,181,438

7.2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

C. U.S. Patent No. 6,834,276

D. U.S. Patent No. 6,779,042

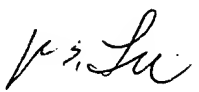
Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S. Lu whose telephone number is (571) 272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-305-39000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 703-305-3900 (toll-free).

Application/Control Number: 09/681,574
Art Unit: 2167

Page 20

Kuen S. Lu 

Patent Examiner, Art Unit 2167

March 3, 2007